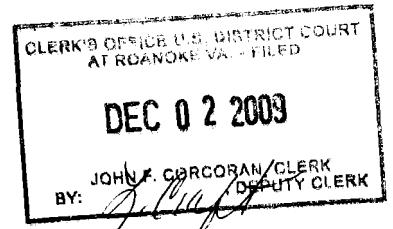


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



DISCOVER PROPERTY &
CASUALTY INSURANCE COMPANY)

Plaintiff,)

v.)

THE UNIVERSITY OF VERMONT
AND STATE AGRICULTURAL
COLLEGE, et al.,)

Defendants.)

Civil Action No. 7:06-cv-022

ORDER

By: Hon. James C. Turk

Senior United States District Judge

This matter is presently before the Court on Plaintiff Discover Property's Motion for Summary Judgment (Dkt. No. 40) and Defendant University of Vermont and State Agricultural College's Motion for Summary Judgment (Dkt. No. 43). In accordance with the accompanying Memorandum Opinion that there are no genuine issues of fact and that the Plaintiff is entitled to a judgment as a matter of law, it is hereby

ADJUDGED AND ORDERED

that Plaintiff's Motion for Summary Judgment is **GRANTED** as to Defendants Cruz and Jaenstchke. Because Defendant University of Vermont and State Agricultural College has sought the same declaration in their Motion for Summary Judgment, it is hereby dismissed as **MOOT**. The Clerk of Court is directed to send a copy of this Order to all counsel of record in this matter, and to strike the case from the active docket of the Court.

ENTER: This 2nd day of December, 2009.

Hon. James C. Turk
Senior United States District Judge